

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): An optical recording medium, ~~characterized by comprising:~~
a data recording layer which is provided to record on which contents data is
~~recorded by upon~~ irradiation of an optical beam, and
a visual information recording layer including on which visual information which
~~is visually recognized and indicative of information regarding the contents of the contents data is~~
~~recorded by irradiation of the optical beam,~~
~~wherein the data recording layer and the visual information recording layer are~~
~~laminated, and~~
~~the visual information recording layer has~~
a visual information recording area provided for recording only visual
information, which is visually recognizable, by irradiating the optical beam; and
a visual information management area where ~~wherein at least one of first~~
recording layer information indicating indicative that a layer having the first recording layer
information the recording layer is the visual information recording layer, is previously recorded
so as to be readable ~~recording management information indicative of presence or absence of a~~
~~record of the visual information, an area information indicative of a recordable area of visual~~

SECOND PRELIMINARY AMENDMENT
U.S. Application No. 10/573,968
Attorney Docket No. Q94059

~~information, and contents information indicative of the contents of the visual information are recorded.~~

2. (currently amended): The optical recording medium according to claim 1,
wherein ~~characterized in that~~
the data recording layer has a data recording area for recording the contents data,
and a data management area where ~~wherein~~ at least one of ~~[[the]]~~ second recording layer
information indicating that a layer having the second recording layer information is indicative
~~that the data recording layer[[,]] and recording medium information indicating indicative that the~~
visual information recording layer is provided on the optical recording medium is recorded.

3-20. (canceled).

21. (new): The optical recording medium according to claim 1, wherein
the first recording layer information is regularly arranged in the visual
information management area.

22. (new): The optical recording medium according to claim 2, wherein
the first recording layer information is regularly arranged in the visual
information management area.

SECOND PRELIMINARY AMENDMENT
U.S. Application No. 10/573,968
Attorney Docket No. Q94059

23. (new): The optical recording medium according to claim 2, wherein
any one of visual information management information indicating whether or not
record of the visual information exists in the visual information recording area and area
information indicative of a recordable area of the visual information is recorded in the visual
information management area.

24. (new): A data recording apparatus that records visual information onto an optical
recording medium including

a data recording layer provided to record contents data upon irradiation of an
optical beam, and

a visual information recording layer including

a visual information recording layer where only visual information visually
recognizable is recorded upon irradiation of the optical beam, and

a visual information management area where first recording layer information
indicating that a layer having the first recording layer information is the visual information
recording area is recorded, wherein the first recording layer information being recorded upon
irradiation of the optical beam so as to be readable, the data recording apparatus comprising:

an input device which inputs the visual information to be recorded;

a pickup which is used to record the visual information thus inputted;

SECOND PRELIMINARY AMENDMENT
U.S. Application No. 10/573,968
Attorney Docket No. Q94059

a visual-information dedicated drive signal generating device which generates a visual-information dedicated drive signal for driving the pickup in accordance with the visual information thus received;

a first detection device which detects the first recording layer information recorded in the visual information management area of the visual information recording layer; and

a determining device which determines a side where the optical beam is irradiated on the optical recording medium in accordance with the result of the detection by the first detection device, wherein

when it is determined by the determining device that the optical beam irradiates the visual information recording layer, the pickup records the visual information on the visual information recording layer in accordance with the visual information-dedicated drive signal.

25. (new): The data recording apparatus according to claim 24, wherein
- provided that recording medium information indicating that the visual information recording layer is provided in the optical recording medium is recorded in the data recording layer, and recording medium information indicating that the visual information recording layer is provided in the optical recording medium is recorded in the data management area,
- the data recording apparatus further comprising:
- a second detecting device which detects the recording medium information recorded in the data management area; and

SECOND PRELIMINARY AMENDMENT
U.S. Application No. 10/573,968
Attorney Docket No. Q94059

a second determining device which determines, in accordance with a result of the detection obtained by the second detection device, whether or not it is possible to record visual information onto the optical recording medium, which is irradiated by the optical beam.

26. (new): The data recording apparatus according to claim 24, further comprising:
a contents-data dedicated drive signal generating device that, when the contents data are inputted into the input device, generates a contents-data dedicated drive signal for driving the pickup in accordance with the contents data thus inputted; and
a data recording pickup that is different from a visual-information recording pickup for recording the visual information and that records the contents data into the data recording layer in accordance with the contents-data dedicated drive signal.

27. (new): The data recording apparatus according to claim 26, wherein
the visual information recording pickup has a numerical aperture (NA) lower than that of the data recording pickup.

28. (new): The data recording apparatus according to claim 26, wherein
the visual-information recording pickup emits an optical beam having a wavelength longer than that from the data recording pickup.

29. (new): The optical recording medium according to claim 1, wherein

SECOND PRELIMINARY AMENDMENT

U.S. Application No. 10/573,968

Attorney Docket No. Q94059

the visual information is recorded by irradiating a laser beam on a side of the data recording layer of the optical recording medium.

30. (new): The data recording apparatus according to claim 24, wherein
the pickup records the visual information onto the optical recording medium by irradiating a laser beam on a side of the data recording layer of the optical recording medium.